

# EXHIBIT A

**From:** Powell, Amy (CIV) <Amy.Powell@usdoj.gov>  
**Sent:** Thursday, April 17, 2025 5:10 PM  
**To:** Robert Johnson <rjohnson@ij.org>  
**Cc:** Martin Golando <martin.golando@gmail.com>; Green, Robert (USATXW) <Robert.Green3@usdoj.gov>; Jeff Rowses <jrowes@ij.org>; Betsy Sanz <bsanz@ij.org>; Katrin Marquez <kmarquez@ij.org>; Kendall Morton <kmorton@ij.org>  
**Subject:** RE: [EXTERNAL] Re: TAMSB v. Bondi, Case 5:25-cv-00344-FB (W.D. Tex.)

Rob:

Not able to get consent to the TRO extension. I understand Plaintiff is going to move for the extension and to set a schedule. Please represent that Defendants oppose and intend to file a short opposition quickly.

Amy

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**From:** Powell, Amy (CIV)  
**Sent:** Thursday, April 17, 2025 1:25 PM  
**To:** Robert Johnson <[rjohnson@ij.org](mailto:rjohnson@ij.org)>  
**Cc:** Martin Golando <[martin.golando@gmail.com](mailto:martin.golando@gmail.com)>; Green, Robert (USATXW) <[Robert.Green3@usdoj.gov](mailto:Robert.Green3@usdoj.gov)>; Jeff Rowses <[jrowes@ij.org](mailto:jrowes@ij.org)>; Betsy Sanz <[bsanz@ij.org](mailto:bsanz@ij.org)>; Katrin Marquez <[kmarquez@ij.org](mailto:kmarquez@ij.org)>; Kendall Morton <[kmorton@ij.org](mailto:kmorton@ij.org)>  
**Subject:** Re: [EXTERNAL] Re: TAMSB v. Bondi, Case 5:25-cv-00344-FB (W.D. Tex.)

I could live with that - give me a bit more time to see if we can consent first.  
Sent from my iPhone

On Apr 17, 2025, at 1:19 PM, Robert Johnson <[rjohnson@ij.org](mailto:rjohnson@ij.org)> wrote:

Thanks, Amy. My preference would be that Plaintiff file a motion to extend the TRO and set a schedule, which the government can oppose if it desires. Plaintiff will need to move to extend the TRO anyway, so it makes sense for Plaintiff to be the moving party.

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**From:** Powell, Amy (CIV) <[Amy.Powell@usdoj.gov](mailto:Amy.Powell@usdoj.gov)>  
**Sent:** Thursday, April 17, 2025 1:17 PM

**To:** Robert Johnson <[rjohnson@ij.org](mailto:rjohnson@ij.org)>

**Cc:** Martin Golando <[martin.golando@gmail.com](mailto:martin.golando@gmail.com)>; Green, Robert (USATXW) <[Robert.Green3@usdoj.gov](mailto:Robert.Green3@usdoj.gov)>; Jeff Rowes <[jrowes@ij.org](mailto:jrowes@ij.org)>; Betsy Sanz <[bsanz@ij.org](mailto:bsanz@ij.org)>; Katrin Marquez <[kmarquez@ij.org](mailto:kmarquez@ij.org)>; Kendall Morton <[kmorton@ij.org](mailto:kmorton@ij.org)>

**Subject:** Re: [EXTERNAL] Re: TAMSB v. Bondi, Case 5:25-cv-00344-FB (W.D. Tex.)

Still working on it. If I don't get an answer in the next 2-3 hours, I'll give you a call to discuss how to tee this up for the court. (I'm thinking, if needed, we would file a short "defendants motion to set a schedule" noting that plaintiff opposes unless the TRO is extended and you could file a short response explaining why the court should extend it?)

Amy

Sent from my iPhone

On Apr 17, 2025, at 1:13 PM, Robert Johnson <[rjohnson@ij.org](mailto:rjohnson@ij.org)> wrote:

Hi Amy, Checking in on this. Any news from the government's side?

Rob

**Rob Johnson**

Senior Attorney

Institute for Justice

[www.ij.org/staff/rjohnson](http://www.ij.org/staff/rjohnson)

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**From:** Powell, Amy (CIV) <[Amy.Powell@usdoj.gov](mailto:Amy.Powell@usdoj.gov)>

**Sent:** Wednesday, April 16, 2025 5:10 PM

**To:** Robert Johnson <[rjohnson@ij.org](mailto:rjohnson@ij.org)>

**Cc:** Martin Golando <[martin.golando@gmail.com](mailto:martin.golando@gmail.com)>; Green, Robert (USATXW) <[Robert.Green3@usdoj.gov](mailto:Robert.Green3@usdoj.gov)>; Jeff Rowes <[jrowes@ij.org](mailto:jrowes@ij.org)>; Betsy Sanz <[bsanz@ij.org](mailto:bsanz@ij.org)>; Katrin Marquez <[kmarquez@ij.org](mailto:kmarquez@ij.org)>; Kendall Morton <[kmorton@ij.org](mailto:kmorton@ij.org)>

**Subject:** Re: [EXTERNAL] Re: TAMSB v. Bondi, Case 5:25-cv-00344-FB (W.D. Tex.)

Thanks, Rob. This looks generally good, although I'm afraid I do not

yet have an answer on the extension. I might still get authorization-  
I'll update you in the morning.

Amy

Sent from my iPhone

On Apr 16, 2025, at 2:25 PM, Robert Johnson

<[rjohnson@ij.org](mailto:rjohnson@ij.org)> wrote:

Amy,

I have taken a pass through the joint motion on the assumption that the government is willing to consent to an extension of the TRO for an additional 14 days. A revised version along those lines is attached for your consideration.

Rob

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**From:** Powell, Amy (CIV) <[Amy.Powell@usdoj.gov](mailto:Amy.Powell@usdoj.gov)>

**Sent:** Wednesday, April 16, 2025 11:56 AM

**To:** Robert Johnson <[rjohnson@ij.org](mailto:rjohnson@ij.org)>; Martin Golando <[martin.golando@gmail.com](mailto:martin.golando@gmail.com)>

**Cc:** Green, Robert (USATXW) <[Robert.Green3@usdoj.gov](mailto:Robert.Green3@usdoj.gov)>; Jeff Rowes <[jrowes@ij.org](mailto:jrowes@ij.org)>; Betsy Sanz <[bsanz@ij.org](mailto:bsanz@ij.org)>; Katrin Marquez <[kmarquez@ij.org](mailto:kmarquez@ij.org)>; Kendall Morton <[kmorton@ij.org](mailto:kmorton@ij.org)>

**Subject:** RE: [EXTERNAL] Re: TAMSB v. Bondi, Case 5:25-cv-00344-FB (W.D. Tex.)

So, I'm hoping to get an answer here on the single 14-day extension this afternoon. Hopefully. (I don't think that any further agreement/nonopposition beyond the 14 days would be forthcoming from the Government here.)

If the Government cannot agree to the one extension, I'll give you a call and we can discuss how best to tee it up for the Court. I don't think we need lengthy briefing on the schedule/extension! We all have enough on our plates.

Thanks  
Amy

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**From:** Robert Johnson <[rjohnson@ij.org](mailto:rjohnson@ij.org)>  
**Sent:** Wednesday, April 16, 2025 11:02 AM  
**To:** Powell, Amy (CIV) <[Amy.Powell@usdoj.gov](mailto:Amy.Powell@usdoj.gov)>; Martin Golando <[martin.golando@gmail.com](mailto:martin.golando@gmail.com)>  
**Cc:** Green, Robert (USATXW) <[Robert.Green3@usdoj.gov](mailto:Robert.Green3@usdoj.gov)>; Jeff Rowes <[jrowes@ij.org](mailto:jrowes@ij.org)>; Betsy Sanz <[bsanz@ij.org](mailto:bsanz@ij.org)>; Katrin Marquez <[kmarquez@ij.org](mailto:kmarquez@ij.org)>; Kendall Morton <[kmorton@ij.org](mailto:kmorton@ij.org)>  
**Subject:** RE: [EXTERNAL] Re: TAMSB v. Bondi, Case 5:25-cv-00344-FB (W.D. Tex.)

Thank you, Amy, we will review this proposed motion on our end.

I can already see one issue: Our agreement to this schedule is contingent on the TRO being extended an additional 14 days. I expect the Court would agree to that extension, but in the unlikely event the Court didn't agree then we would need to accelerate the timeline. Would the government at least agree not to oppose that single 14 day extension, even if the government does not consent to it?

In the meantime, when does the government expect to resolve the continuing uncertainty on your consent to a longer extension?

Rob

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**From:** Powell, Amy (CIV) <[Amy.Powell@usdoj.gov](mailto:Amy.Powell@usdoj.gov)>  
**Sent:** Wednesday, April 16, 2025 10:39 AM  
**To:** Robert Johnson <[rjohnson@ij.org](mailto:rjohnson@ij.org)>; Martin Golando <[martin.golando@gmail.com](mailto:martin.golando@gmail.com)>  
**Cc:** Green, Robert (USATXW) <[Robert.Green3@usdoj.gov](mailto:Robert.Green3@usdoj.gov)>; Jeff Rowes <[jrowes@ij.org](mailto:jrowes@ij.org)>; Betsy Sanz <[bsanz@ij.org](mailto:bsanz@ij.org)>; Katrin Marquez <[kmarquez@ij.org](mailto:kmarquez@ij.org)>; Kendall Morton <[kmorton@ij.org](mailto:kmorton@ij.org)>  
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Thanks, Rob. We are still conferring internally, but I am

reasonably certain that the Government is not going to consent to extension of the TRO. Subject to some continuing uncertainty here on that point, therefore, I'm amenable to the second schedule you set out below, including a reply brief for Plaintiffs. (I understand that Plaintiffs want a chance to respond to the administrative record, though I imagine Defendants would dispute that they can "craft" the record in response to a PI motion; generally speaking, the administrative record consists of the information that was before the decisionmaker at the time the decision was made.)

I created a rough draft of a joint motion and tried to draft the language as neutrally as possible to avoid the need for separate Plaintiff's and Defendant's positions. It tweaks the language you set forth below – happy to discuss if you have any concerns. And all edits welcome.

Regards

Amy

Amy Elizabeth Powell  
 Senior Trial Counsel, Federal Programs Branch  
 Civil Division, Department of Justice  
 150 Fayetteville St, Suite 2100  
 Raleigh, NC 27601  
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**From:** Robert Johnson <[rjohnson@ij.org](mailto:rjohnson@ij.org)>  
**Sent:** Tuesday, April 15, 2025 8:39 PM  
**To:** Powell, Amy (CIV) <[Amy.Powell@usdoj.gov](mailto:Amy.Powell@usdoj.gov)>; Martin Golando <[martin.golando@gmail.com](mailto:martin.golando@gmail.com)>  
**Cc:** Green, Robert (USATXW) <[Robert.Green3@usdoj.gov](mailto:Robert.Green3@usdoj.gov)>; Jeff Rowes <[jrowes@ij.org](mailto:jrowes@ij.org)>; Betsy Sanz <[bsanz@ij.org](mailto:bsanz@ij.org)>; Katrin Marquez <[kmarquez@ij.org](mailto:kmarquez@ij.org)>; Kendall Morton <[kmorton@ij.org](mailto:kmorton@ij.org)>  
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Amy,

Thank you for sending your proposed schedule. We are planning to amend the Complaint no later than the 18<sup>th</sup>, as you propose in your schedule. When we do so, we will be adding some additional claims.

We want to move the case forward expeditiously, and we appreciate that we seem to be on the same page in that regard. At the same time, I have some concerns with the schedule you propose. Under your schedule, Plaintiffs would file their PI motion without the benefit of the administrative record; the government would be able to craft a record in response to the PI motion; and then Plaintiffs would have no opportunity to reply.

Given that the Court found a TRO warranted, and the purpose of a TRO is to preserve the status quo until a PI can be entered, it would make sense for the parties to agree to extend the TRO up through a decision on the PI. That would allow for a reasonable schedule:

1. April 18: Plaintiffs to file amended complaint
2. April 25: Defendants to produce administrative record
3. April 30: Plaintiffs to file PI motion
4. May 7: Defendants to file response to PI motion
5. May 12: Plaintiffs to file reply
6. Week of May 12: PI Hearing

This would still move things along quickly, with a decision well before the 45-60 day timeframe envisioned by the Court.

Assuming the government is not willing to agree to such an extension, then we could propose a schedule to the Court in conjunction with a request for a further 14 day “good cause” extension of the TRO. In that case, the timeframe you suggest roughly makes sense, except that it’s necessary to provide for a reply to avoid obvious prejudice to Plaintiffs:

7. April 18: Plaintiffs to file amended complaint and PI motion

8. April 25: Defendants to file response to PI motion and administrative record
9. April 28: Parties to disclose witnesses by noon (central) and Plaintiffs to file reply by end of the day
10. April 29-May 2: Dates for hearing depending on Court's availability

This is all premised on a further "good cause" extension of the TRO. If the TRO is not extended past April 25, then Plaintiffs will have to seek a schedule under which a PI can be entered by that date.

Regards,  
Rob

**Rob Johnson**  
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**From:** Powell, Amy (CIV) <[Amy.Powell@usdoj.gov](mailto:Amy.Powell@usdoj.gov)>  
**Sent:** Tuesday, April 15, 2025 12:24 PM  
**To:** Martin Golando <[martin.golando@gmail.com](mailto:martin.golando@gmail.com)>  
**Cc:** Green, Robert (USATXW) <[Robert.Green3@usdoj.gov](mailto:Robert.Green3@usdoj.gov)>; Robert Johnson <[rjohnson@ij.org](mailto:rjohnson@ij.org)>; Jeff Rowes <[jrowes@ij.org](mailto:jrowes@ij.org)>; Betsy Sanz <[bsanz@ij.org](mailto:bsanz@ij.org)>; Katrin Marquez <[kmartinez@ij.org](mailto:kmartinez@ij.org)>; Kendall Morton <[kmorton@ij.org](mailto:kmorton@ij.org)>  
**Subject:** RE: [EXTERNAL] Re: TAMSB v. Bondi, Case 5:25-cv-00344-FB (W.D. Tex.)

Great thanks, look forward to hearing from you.

---

**From:** Martin Golando <[martin.golando@gmail.com](mailto:martin.golando@gmail.com)>  
**Sent:** Tuesday, April 15, 2025 12:20 PM  
**To:** Powell, Amy (CIV) <[Amy.Powell@usdoj.gov](mailto:Amy.Powell@usdoj.gov)>  
**Cc:** Green, Robert (USATXW) <[Robert.Green3@usdoj.gov](mailto:Robert.Green3@usdoj.gov)>; Robert Johnson <[rjohnson@ij.org](mailto:rjohnson@ij.org)>; jrowes@ij.org; Betsy Sanz <[bsanz@ij.org](mailto:bsanz@ij.org)>; [kmartinez@ij.org](mailto:kmartinez@ij.org); [kmorton@ij.org](mailto:kmorton@ij.org)  
**Subject:** [EXTERNAL] Re: TAMSB v. Bondi, Case 5:25-cv-00344-FB (W.D. Tex.)



Ms. Powell:

I am re-responding to the previous email to add all co-counsel into this email thread. We will get back to you with our thoughts on your proposed briefing schedule as soon as possible.

Thank you,

Martin Golando  
Attorney for TAMSB

On Tue, Apr 15, 2025 at 9:27 AM Powell, Amy (CIV)  
<[Amy.Powell@usdoj.gov](mailto:Amy.Powell@usdoj.gov)> wrote:

Counsel:

We should discuss a schedule for next steps in this matter. After reviewing the TRO and transcript and beginning to pull together the AR materials, I believe Defendants are not going to consent to any extension of the TRO, but we are prepared to move forward expeditiously on the PI briefing. I do not know if Plaintiff plans to amend the complaint. Assuming that there are not major new claims or similar, what would you think of the following schedule:

April 18 – Plaintiff file any amended complaint and Motion for a PI

April 25 – Defendants will oppose the PI and will use best efforts to produce public, nonprivileged portions of an administrative record on this date

No reply brief

Any witnesses disclosed April 28 at noon (central)

PI motions hearing – anytime the remainder of that week (although preferably Tuesday, Wednesday, or Thursday).

Ideally, we could do so as a joint motion to set a briefing schedule. I am flexible as to precise dates, and open for other ideas as to how to proceed. Let me know if you would like to discuss; I'm pretty flexible today as needed.

Regards,

Amy

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<joint motion to set PI briefing schedule 3.docx>